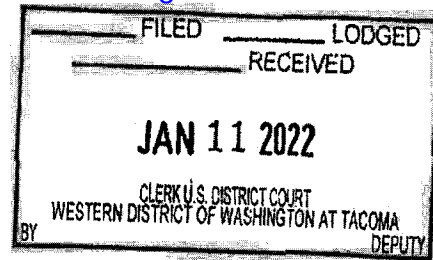


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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

Marlin Giovanni Pickens

CASE NO. 3:22-cv-05019 RSM
[to be filled in by Clerk's Office]

COMPLAINT FOR VIOLATION
OF CIVIL RIGHTS
(for use only by plaintiffs not in
custody)

Plaintiff(s),

v.

Jury Trial: ☒ Yes ☐ No

Virginia Mason

Franciscan Health

Saint Joseph Medical Center,

See Attached

Defendant(s).

I. THE PARTIES TO THIS COMPLAINT

A. Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Marlin Giovanni Pickens

Street Address

2044 East Gregory Street

City and County

Tacoma, Pierce County

State and Zip Code

Washington State, 98404

Telephone Number

(253) 785-1201

Summons issued over counter 1/11/2022 REC #: TACO16878M

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B. Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name

See Attached

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

☐ Individual capacity☐ Official capacity

Defendant No. 2

Name

See Attached

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

☐ Individual capacity☐ Official capacity

Defendant No. 3

Name

See Attached

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

☐ Individual capacity☐ Official capacity

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Defendant No. 4

Name

See Attached

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

☐ Individual capacity

☐ Official capacity

II. PREVIOUS LAWSUITS

Have you brought any other lawsuits in any federal court in the United States:?

☐ No

☐ Yes

If yes, how many? _____

Describe the lawsuit:

Parties to this previous lawsuit:

Plaintiff(s)

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Defendant(s)

(If there is more than one previous lawsuit, describe the additional lawsuits on another piece of paper using the same outline. Attach additional sheets, if necessary)

Court and name of district:

Docket Number: _____

Assigned Judge: _____

Disposition: *(For example, was the case dismissed as frivolous or for failure to state a claim? Was it appealed? Is it still pending?)*

Approximate filing date of lawsuit: _____

Approximate date of disposition: _____

III. BASIS FOR JURISDICTION

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens*

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1 *v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971)*, you may
2 sue federal officials for the violation of certain constitutional rights.

3 A. Are you bringing suite against (*check all that apply*):

4 ☐ Federal officials (a *Bivens* claim)

5 ☒ State or local officials (a § 1983 claim)

6 B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or
7 immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are
8 suing under section 1983, what federal constitutional or statutory right(s) do you claim
9 is/are being violated by state or local officials?

10 Please See Attached

11
12
13
14 C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional
15 rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are
16 being violated by federal officials?

17 Please See Attached

18
19
20
21 D. Section 1983 allows defendants to be found liable only when they have acted "under
22 color of any statute, ordinance, regulation, custom, or usage, of any State or Territory
23 or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983,
24 explain how each defendant acted under color of state or local law. If you are suing

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1 under *Bivens*, explain how each defendant acted under color of federal law. Attach
2 additional pages if needed.

3 Please See Attached
4 _____
5 _____
6 _____

7 IV. STATEMENT OF CLAIM

8 *State as briefly as possible the facts of your case. Describe how each defendant was personally*
9 *involved in the alleged wrongful action, along with the dates and locations of all relevant events.*
10 *You may wish to include further details such as the names of other persons involved in the events*
11 *giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted,*
12 *number each claim and write a short and plain statement of each claim in a separate paragraph.*
13 *Attach additional pages if needed.*

14 Please See Attached
15 _____
16 _____
17 _____

18 A. Where did the events giving rise to your claim(s) occur?

19 Please See Attached - Defendant 1's Facility
20 _____
21 _____

22 B. What date and approximate time did the events giving rise to your claim(s) occur?

23 Please See Attached
24 _____

25 C. What are the facts underlying your claim(s)? (For example: What happened to you?

26 *Who did what? Was anyone else involved? Who else saw what happened?)*

27 Please See Attached
28 _____
29 _____

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V. INJURIES

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Please See Attached

VI. RELIEF

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Please See Attached

VII. CERTIFICATION AND CLOSING

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

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I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

January 11, 2022

Signature of Plaintiff

Marlin Pickens

Printed Name of Plaintiff

Marlin Giovanni Pickens

Date of signing:

Signature of Plaintiff

Printed Name of Plaintiff

Date of signing:

Signature of Plaintiff

Printed Name of Plaintiff